

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NANCY STEVENSON,	:	CIVIL DIVISION
	:	
Plaintiff,	:	A.D. No. 05-184E
	:	
vs.	:	PROOF OF SERVICE/COMPLAINT/
	:	SUMMONS
	:	
BEVERLY HEALTH CARE,	:	FILED ON BEHALF OF:
(Rehabilitation)	:	Plaintiff
	:	
Defendant,	:	
	:	
	:	COUNSEL OF RECORD FOR
	:	THIS PARTY:
	:	Neal A. Sanders, Esquire
	:	LAW OFFICES OF NEAL A. SANDERS
	:	1924 North Main Street Ext.
	:	Butler, Pennsylvania 16001
	:	
	:	(724)282-7771
	:	PA ID No. 54618

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NANCY STEVENSON,	:	CIVIL DIVISION
	:	
Plaintiff,	:	A.D. No. 05-184E
	:	
vs.	:	
	:	
BEVERLY HEALTH CARE,	:	
(Rehabilitation)	:	
	:	
Defendant,	:	

PROOF OF SERVICE

AND NOW, comes Plaintiff, Nancy Stevenson, by and through her attorney, Neal A. Sanders, Esquire, of the Law Offices of Neal A. Sanders and avers as follows:

1. Complaint and Summons was served on the Defendant, Beverly Health Care, by certified mail
2. The Waiver of Service of Summons was executed on July 14, 2005
3. Original Waiver of Service of Summons is attached.

Respectfully submitted,

LAW OFFICES OF NEAL A. SANDERS

Dated: August 29, 2005

By: 

Neal A. Sanders, Esquire
Counsel for Plaintiff,
Nancy Stevenson

1924 North Main Street Ext.
Butler, Pennsylvania 16001

(724) 282-7771
PA ID No. 54618

AO 399 (12/93)
FORM 1B

WAIVER OF SERVICE OF SUMMONS

TO: Neal A. Sanders, Esquire

I acknowledge receipt of your request that I waive service of a summons in the action of Nancy Stevenson vs. Beverly Health Care (Rehabilitation, Inc.) which is case number 05-184 E in the United States District Court for the Western District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after June 20, 2005 or within 90 days after that date if the request was sent outside the United States.
(Date Request was sent)

Date

7/14/05

Signature

Printed/typed name: Emerson Moser
(as Attorney of Dinsmore & Shale
(~~off~~ for Defendant Beverly)
Health Care)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States, who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believe that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of August, 2005, a true and correct copy of the foregoing **Proof Of Service/Complaint/ Summons**, was mailed by United States First Class Mail, postage prepaid, to the following:

Emerson C. Moser, Esquire
DINSMORE & SHOHL, L.L.P.
255 East Fifth Street
Suite 1900
Cleveland, Ohio 45202

Dated: August 29, 2005

By: 

Neal A. Sanders, Esquire
Counsel for Plaintiff,
Nancy Stevenson

LAW OFFICES OF NEAL A. SANDERS
1924 North Main Street Ext.
Butler, Pennsylvania 16001

(724) 282-7771
PA ID No. 54618

LAW OFFICES OF
NEAL A. SANDERS

1924 NORTH MAIN STREET EXT.
BUTLER, PENNSYLVANIA 16001
(724) 282-7771
FAX: (724) 285-6341

NEAL A. SANDERS*
DIRK D. BEUTH

*Admitted also in District of Columbia

August 29, 2005

R.V. Barth, Jr., Clerk
U.S. Post Office and Courthouse
Room 102
617 State Street
Erie, Pennsylvania 16501

RE: Nancy Stevenson vs. Beverly Health Care (Rehabilitation)
Case No. # 05-184 - Proof Of Service/ Complaint/ Summons

Dear Mr. Barth:

Enclosed for filing please find the original, the disk and one (1) copy of the Proof Of Service/ Complaint/ Summons for the above referenced matter. Kindly date stamp the copy and return to me in the enclosed self addressed envelope. Thank you.

Very truly yours,

By: 

Neal A. Sanders, Esquire

Enclosure(s)
NAS/lmk

CC: Nancy Stevenson
Emerson C. Moser,